GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Professional Charges - PR&RD Department – Allegation of corruption against Sri Ramisetty Penchalaiah, Executive Engineer, PR, Machilipatnam (now retired) – Criminal Appeal No.1061/2007 filed by the Accused Officer in the A.P. High Court - Allowed - SLP vide Diary No.39397/2022 filed in the Supreme Court of India - Engagement of Sri C. Nageswara Rao, Senior Counsel for the State of A.P to appear before the Supreme Court - Sanction of fee Rs.1,50,000/- Orders –Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.I) DEPARTMENT

G.O.Rt.No.790

Dated:16.11.2023

Read the following:

1) G.O.Ms.No.24 Law (G) Department Dated:03.06.2021.
2) From the DG, ACB, letter Rc. No. 30/RCT-VK1/2000-S9, dated: 08.07.2022.
3) Govt.Memo.No.PRR01-PRE/36/2022-VIG-I, Dated:16.08.2022.
4) Letter through email from Standing counsel for State of Andhra Pradesh, Supreme Court of India, New Delhi, Dated:04.01.2023.
5) From the DG, ACB, letter Rc. No. 30/RCT-VK1/2000-S9, dated: 12.01.2023.

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ORDER:

Whereas, the Director General, Anti Corruption Bureau, in the reference 2nd read above, has informed that Sri R. Penchalaiah, Executive Engineer, PR, Machilipatnam, Krishna District (Retired) was convicted by the Trial Court on 31.07.2006 in C.C.No.01 of 2002. The Accused Officer filed Criminal Appeal bearing No. 1061 of 2006 in the Hon'ble High Court of AP questioning his conviction and sentence awarded by the Trial Court. The Hon'ble High Court on 21.02.2022 pronounced the judgment by allowing the appeal preferred by the Accused Officer and set aside his conviction and sentences awarded by the Trial Court in CC No.01 of 2002. The Bureau has opined that it is a fit case to file Special Leave Petition before the Hon'ble Supreme Court of India and requested the Government to accord permission to file Special Leave Petition before the Hon'ble Supreme Court of India against the orders of Hon'ble High Court in Crl. Appeal No. 1061 of 2006.

2. And whereas, the Government, in the reference 3rd read above, permitted the Director General, ACB, Vijayawada to file SLP before the Hon'ble Supreme Court of India against the orders of the Hon'ble High Court of AP in Criminal Appeal No.1061 of 2006, dated:21.02.2022 in respect of Sri R. Penchalaiah, E.E., PR, Machilipatnam, Krishna District (Retd).

3. And whereas, in the reference 5th read above, the Director General, ACB, has also informed that the SLP (Crl.) No. 158 of 2023 has been filed before the Hon'ble Supreme Court of India against the orders of Hon'ble High Court in Criminal Appeal No. 1061 of 2007, dt: 21.02.2022. The Standing Counsel for the State of A.P., Supreme Court of India, New Delhi, requested to grant a formal approval for the appearance/engagement of Sri C. Nageswara Rao, Senior Advocate in the above matter, while informing about the appearance fee of the said Senior Advocate. He has requested to take necessary action regarding engagement of Senior Advocate in the case vide Diary No.39397/2022 and payment of remuneration to the said Senior Advocate.

(P.T.O)

4. And whereas, in the reference 4th read above, the Standing Counsel for the State of A.P., Supreme Court of India, New Delhi addressed to the DG, ACB wherein it was mentioned that "he had discussed the matter with the Learned Advocate General and considering the importance of the matter, it is suggested that Senior Counsel be engaged in the matter. Accordingly, he has requested to grant a formal approval for the appearance/engagement of Sri C. Nageswara Rao, Senior Advocate in the case. He has also mentioned that the "appearance fee (including conference) of Sri C. Nageswara Rao, Senior Advocate before the Hon'ble Supreme Court is Rs.1,50,000/-".

5. Government, after careful examination of the matter, hereby permit to the Standing Counsel for the State of A.P., Supreme Court of India, New Delhi to engage Sri C. Nageswara Rao, Senior Advocate for appearance in the case vide Diary No.39397/2022 and accord sanction for an amount of Rs.1,50,000/- (Rupees one Lakh Fifty thousand only) towards appearance fee (including conference) of Sri C. Nageswara Rao, Senior Advocate before the Hon'ble Supreme Court of India in terms of orders issued in the reference 1st read above.

6. The sanctioned amount in the para-5 above, shall be cleared by the Legal Cell of Resident Commissioner, A.P. Bhavan, New Delhi under the "Major Head of Account 2052- Secretariat General Services, Sub-Head 280 - Professional Services and 287 – Payments to Direct Individual Professionals.

7. The Resident Commissioner, Legal Cell, A.P. Bhavan, New Delhi shall draw and disburse the amount of Rs.1,50,000/- (Rupees One Lakh Fifty thousand only) to Sri C. Nageswara Rao, Senior Advocate, Supreme Court of India duly obtaining proper acknowledgement.

8. This order issues with the concurrence of Finance (FMU-PR & RWS) Department vide their U.O.No.FMU0MISC/58/2023-FMU-PRRDRWS Computer No: 1977393)

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Resident Commissioner (Legal Cell),
A.P. Bhavan, 1 Ashoka Road, New Delhi 110 001.

Copy to:

The Standing Counsel for the State of Andhra Pradesh,
Supreme Court of India,
D-16, First Floor, Nizamuddin East,
New Delhi - 110013.
Sri C. Nageswara Rao, Senior Advocate,
Supreme Court of India (Through Standing Counsel for the State of
AP Nizamuddin East, New Delhi - 110013.
The Director General, Anti-Corruption Bureau, A.P.
The Finance (FMU. PR&RD, RWS) Dept,
SF/SC

//FORAWARDED::BY::ORDER//

SECTION OFFICER